

## EXHIBIT A



Entered on Docket  
March 11, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Rob Charles (NV 6593)  
John Hinderaker (AZ 018024)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (520) 629-4427  
Facsimile (520) 879-4705

Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING EIGHTH  
OMNIBUS OBJECTION OF USACM  
LIQUIDATING TRUST TO DUPLICATE  
PROOFS OF CLAIM**

Hearing Date: February 20, 2009  
Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the "Eighth Omnibus Objection of USACM  
2 Liquidating Trust to Duplicate Proofs of Claim; and Certificate of Service" [Docket No.  
3 6742] (the "Objection"); the Court having heard the objection in open court on February  
4 20, 2009; appropriate notice of the Objection having been given; one response to the  
5 Objection having been filed by Marcia Knox, which confirmed that her claims are  
6 duplicate and Claim No. 10725-01905 should survive the Objection; and good cause  
7 appearing:

8 **IT IS HEREBY ORDERED:**

- 9 1. The Objection is sustained;
- 10 2. The duplicate claims listed on Exhibit A to this Order are disallowed in their  
11 entirety; and
- 12 3. The surviving claims listed on Exhibit A to this Order are not affected by  
13 this Order, but may be subject to further objection.

14  
15 PREPARED AND RESPECTFULLY SUBMITTED BY:

16 **LEWIS AND ROCA LLP**

17 By /s/ John Hinderaker (018024)  
18 Rob Charles  
19 John Hinderaker (Pro hac vice)  
20 3993 Howard Hughes Parkway, Ste. 600  
21 Las Vegas, Nevada 89169-5996  
22 Telephone: (520) 629-4427  
23 Facsimile: (520) 879-4705

24 *Attorneys for USACM Liquidating Trust*

25 APPROVED/DISAPPROVED

26 By: \_\_\_\_\_  
August Landis  
Assistant United States Trustee

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

1 APPROVED/DISAPPROVED

2  
3 By

*Marcia Knox*  
Marcia Knox

Trustee for the Marcia J. Knox Living Trust dated 8/16/04

1 In accordance with Local Rule 9021, the undersigned certifies:

- 2 ☐ The Court waived the requirements of LR 9021.
- 3 ☐ No parties appeared or filed written objections, and there is no trustee appointed
- 4 in this case.
- 5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the
- 6 hearing, any unrepresented parties who appeared at the hearing, and any trustee
- 7 appointed in this case, and each has approved or disapproved the order, or failed
- to respond, as indicated below (list each party and whether the party has
- approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document
Other Party: Marcia Knox	
<input checked="" type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

14 ###

15 Submitted by:

16 **LEWIS AND ROCA LLP**

17 By: /s/ JH (#018024)

18 Rob Charles

19 John Hinderaker

20 *Attorneys for USACM Liquidating Trust*

## EXHIBIT A

**USA – DUPLICATE CLAIMS TABLE (8)**

<b><u>Claimant's Name and Address</u></b>	<b><u>Duplicate Claim #</u></b>	<b><u>Duplicate Claim Amount</u></b>	<b><u>Basis for Objection</u></b>	<b><u>Surviving Claim #</u></b>	<b><u>Surviving Claim Amount</u></b>
Cibb Inc Pension Plan Ronald A Johnson Ttee 50 Snider Way Sparks, NV 89431	10725-02129	\$405,600.00	The claim is based on investment in Roam Development Group, J Jireh's Corporation, Eagle Meadows Development, and Palm Harbor One and is a duplicate of claim #10725-02261. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-02129 be disallowed in its entirety.	10725-02261	\$405,600.00
Graham, Nanci 240 Upper Terrace #3 San Francisco, CA 94117-4516	10725-02183	\$15,823.13	The claim is based on investment in SVRB \$4,500,000 and is a duplicate of claim #10725-02370. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-02183 be disallowed in its entirety.	10725-02370	\$15,823.13
Osvaldo Zunino Living Trust Dated 12/18/98 c/o Osvaldo Zunino Trustee 3575 Tioga Way Las Vegas, NV 89109-3340	10725-02548	\$620,000.00	The claim is a duplicate of claim #10725-02550. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-02548 be disallowed in its entirety.	10725-02550	\$620,000.00

<u>Claimant's Name and Address</u>	<u>Duplicate Claim #</u>	<u>Duplicate Claim Amount</u>	<u>Basis for Objection</u>	<u>Surviving Claim #</u>	<u>Surviving Claim Amount</u>
Deller, Ross 1469 Harmony Hill Henderson, NV 89014	10725-00042	\$120,000.00	The claim is a duplicate of claim #10725-02484. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00042 be disallowed in its entirety.	10725-02484	\$200,000.00
Nevada Department of Taxation Bankruptcy Section 555 E Washington Ave Ste 1300 Las Vegas, NV 89101-1041	10725-00056	\$18,540.30	The claim is based on taxes not paid and is a duplicate of claim #10725-00134. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00056 be disallowed in its entirety.	10725-00134	\$24,596.42
Marcia J Knox Living Trust Dtd 8/16/04 c/o Marcia J Knox Trustee 1885 Vintners Pl Reno, NV 89509-8334	10725-00766 10725-00797 10725-01029 10725-01037	\$1,527.68 \$46,095.47 \$1,527.68 \$46,095.47	The claims are based on investment in Bay Pompano Beach and are duplicates of claim #10725-01905. The USACM Liquidating Trust requests claim #10725-00766, 10725-00797, 10725-01029, and 10725-01037 be disallowed in their entirety.	10725-01905	\$75,539.24
Joyce E Smith Trust Dated 11/3/99 c/o Joyce E. Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	10725-00908		The claim is based on investment in Barusa and is a duplicate of claim #10725-00909. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00908 be disallowed in its entirety.	10725-00909	\$53,791.67



<u>Claimant's Name and Address</u>	<u>Duplicate Claim #</u>	<u>Duplicate Claim Amount</u>	<u>Basis for Objection</u>	<u>Surviving Claim #</u>	<u>Surviving Claim Amount</u>
Rausch, Lawrence 10708 Brinkwood Ave Las Vegas, NV 89134-5245	10725-01223	\$50,599.83	The claim is based on investment in Marlton Square 2 <sup>nd</sup> and is a duplicate of claim #10725-02476. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-01223 be disallowed in its entirety.	10725-02476	\$49,936.00
Everett, Daniel L & Sandra M 921 Crystal Ct Foster City, CA 94404-3517	10725-01330	\$1,164.97	The claim is a duplicate of claim #10725-01387. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-01330 be disallowed in its entirety.	10725-01387	\$50,000.00
Winkler Family Trust Dated 3/13/86 c/o Rudolf Winkler & Carmel Winkler Trustees 10000 Rossbury Pl Los Angeles, CA 90064-4826	10725-01645	\$1,210,635.98	The claim is a duplicate of claim #10725-02279. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-01645 be disallowed in its entirety.	10725-02279	\$605,317.99